

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
FAST CONFERENCE ROOM
OCTOBER 25, 2021
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2) (via zoom); Tisha S. Waddell (District 3) (via zoom); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8); Yvonne Kinston (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Adam Lindsay, Assistant City Manager
Jay Toland, Assistant City Manager
Gina Hawkins, Police Chief
Scott Bullard, Emergency Services Coordinator
Gerald Newton, Development Services Manager
Taurus Freeman, Economic and Community Development
Deputy Director
Craig Harmon, Senior Planner
Alicia Moore, Esq., MUP Senior Planner
Jennifer Baptiste, Senior Planner
Jennifer Ayre, Deputy City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Davis.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Mayor and City Council.

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Council Member Banks-McLaughlin recognized North Carolina Department of Transportation for installing reflectors off of Hoke Loop Road.

Mr. Scott Bullard, Emergency Management Coordinator, presented a COVID-19 update.

5.0 CITY MANAGER REPORT

Mr. Douglas Hewett, City Manager, introduced Mr. Earl Randall, Director, CDBG-DR Compliance and Monitoring, EIM.

Mr. Randall provided a 30-day update on the Emergency Assistance Program, or ERAP. Mr. Randall stated on October 7, 2021, the ERAP funds were fully obligated. On October 20, 2021, the funds were fully dispersed.

6.0 APPROVAL OF AGENDA

MOTION: Mayor Pro Tem Jensen moved to approve the agenda with the exception of removing Item 9.02 and adding Item 8.03 for a public hearing - TA21-009 through -015 - Seven Proposed

Text Amendments to the Unified Development Ordinance (Seasonal Text Amendments), and removing Item 9.03.
SECOND: Council Member Davis
VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Ingram, Waddell, Banks-McLaughlin, and Kinston)

7.0 CONSENT AGENDA

MOTION: Council Member Wright moved to approve the consent agenda with the exception of Items 7.07 and 7.010 for presentation and separate vote.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

7.01 Approval of Meeting Minutes:

October 4, 2021 - Work Session

October 11, 2021 - Discussion of Agenda Items

October 11, 2021 - Regular

October 13, 2021 - Special

7.02 P21-49. Rezoning request from Neighborhood Commercial (NC) to Neighborhood Commercial Conditional (NC/CZ) at 864 Prestige Boulevard (REID # 9487672126000), containing 2.97 acres and being the property of Victor Rojas of NC Land Developers LLC., represented by George M. Rose, P.E.

7.03 P21-51. Conditional Zoning to amend a condition of the previously approved P21-27 application by adding an additional floor to a vertical self-storage center, zoned as Limited Commercial/Conditional Zoning (LC/CZ), located at 9560 Cliffdale Road (REID # 9486151947000), containing 2.67 acres ± and being the property of KAAVU, LLC, Kevin Lindsey of Crawford Design Company.

7.04 P21-52. Rezoning request from Neighborhood Commercial (NC) to Limited Commercial (LC) at 706 Hope Mills Road (REID # 0416174859000), containing 2.69 acres and being the property of Bobby Williford, B. Williford Photographers.

7.05 P21-53. Rezoning request from a portion of property zoned Limited Commercial (LC) to Single-Family 6 (SF-6) at 6322 Raeford Road (a portion of REID # 0407305808000), containing 0.047 acres and being the property of Arash Ainolhayat, Ramsey Plaza, LLC, represented by George M. Rose, P.E.

7.06 SUP21-05: Order of Approval - Findings of Fact: Special Use Permit to allow a Child Care Center to locate in a Single-Family 10 (SF-10) zoning district, to be located at 4770 Lakewood Drive (REID # 0405140604000), totaling 0.48 acres ± and being the property of Fadhl S. Alhobishi.

7.07 Pulled for presentation and separate vote.

7.08 Uninhabitable Structures Demolition Recommendations - 812 E. Orange Street, District 2, and 852 E. Orange Street, District 2

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY COUNCIL. 852 E. ORANGE STREET. PIN # 0437-59-6879. ORDINANCE NO. NS2021-032

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY COUNCIL. 812 E. ORANGE STREET. PIN # 0437-59-9171. ORDINANCE NO. NS2021-033

7.09 Adoption of a Resolution to Rescind Demolition Ordinance - 2304 Slater Avenue

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
RESCINDING DEMOLITION ORDINANCE NO. NS2020-017. RESOLUTION NO.
R2021-067**

7.010 Pulled for presentation and separate vote.

7.011 Resolution Regarding Parking Rights

**RESOLUTION REGARDING AMENDMENT OF PARKING RIGHTS AGREEMENT AND
USE OF THE UPSET BID PROCESS FOR ASSIGNMENT OF PARKINNG RIGHTS.
RESOLUTION NO. R2021-068**

7.07 SUP21-06: Order of Approval - Findings of Fact: Special Use Permit to allow a reduction in the separation standards for a bar in the Downtown (DT) zoning district, to be located at 123 Hay Street (REID # 0405140604000), totaling 0.24 acres ± and being the property of John D. and Katherine Holms Wheeler; Weeks Rental Properties.

Ms. Karen McDonald, City Attorney, stated there was a public hearing for this item where it was approved. This item is only to approve the findings of fact. Ms. McDonald stated under the changes to the state statute, the findings of fact are required to come back to Council for final approval.

**MOTION: Council Member Dawkins moved to approve Item 7.07.
SECOND: Council Member Banks-McLaughlin
VOTE: PASSED by a vote of 6 in favor to 4 in opposition (Council Members Waddell, Haire, Davis, and Wright)**

7.010 Budget Ordinance Amendment 2022-3 to Appropriate \$65,000.00 for the New Year's Eve Celebration

Council Member Waddell asked Ms. Bianca Shoneman to provide further information regarding the New Year's Eve Celebration.

Ms. Bianca Shoneman, Cool Springs District Director, stated she fully understands that sponsorships exist beyond the downtown area and has provided a sponsorship package.

**MOTION: Council Member Dawkins moved to approve Item 7.010.
SECOND: Council Member Ingram
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Waddell)**

8.0 EVIDENTIARY HEARINGS

8.01 SUP21-10. Special Use Permit to allow 34 Single-Family Attached Dwellings (Townhome units) in a Single-Family Residential 10 (SF-10) zoning district, to be located at 542 Andrews Road (REID # 0531435273000), totaling 10.5 acres ± and being the property of Brian Armstrong, CRA Home Builders, LLC.

Mr. Craig Harmon, Planner II, CZO, presented this item with the aid of a powerpoint. Mr. Harmon stated the property is located at 542 Andrews Road and is approximately ten and a half acres. The special use permit is to allow 34 single-family attached dwellings or townhomes in a Single-Family Residential 10 district. The property is across the street from Pine Forest High School. To the east is an Elementary School and to a neighborhood to the west. The City's Land Use Plan calls for low-density residential. Townhomes are a permitted use in the district with a special use permit.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Lonnie Player, 400 Westwood Shopping Center, Suite 210, Fayetteville, NC, provided testimony to support the Special Use Permit request does meet all eight findings of fact.

Mr. Brian Armstrong, 2709 Thorngrove Court, Suite 2, Fayetteville, NC, provided testimony to support the Special Use Permit request does meet all eight findings of fact.

Mr. Charlie King, 1055 McCloskey, Fayetteville, NC, appeared in opposition.

Ms. Sonja Dyer, 6546 Country Side Drive, Fayetteville, NC, appeared in opposition.

Ms. Dale Swanner, 440 Summerlea Drive, Fayetteville, NC, appeared in opposition.

Mr. Rob Gates, 6562 Countryside Drive, Fayetteville, NC, appeared in opposition.

Ms. Michele Ornelas, 3514 Maccumber Court, Fayetteville, NC, appeared in opposition.

There being no one further to speak, the public hearing was closed.

The SUP must meet the following findings of facts:

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations.

Discussion ensued.

Mr. Lonnie Player stated the applicant will pull the permit.

8.02 SUP21-07. Special Use Permit to allow a Self-Service Storage, Mini-warehouse to locate in a Community Commercial (CC) zoning district, to be located at 1916 Skibo Road (REID # 0408900281000), totaling 23.38 acres ± and being the property of Kathy Anderson, Marketfair NC, LLC.

MOTION: Council Member Dawkins moved to table this item.
SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0) (Council Member Ingram's unexcused absence counted as an affirmative vote.)

8.03 TA21-009 thru -015: Seven Proposed Text Amendments to the Unified Development Ordinance (Seasonal Text Amendments)

Ms. Alicia Moore, Esq., MUP, Senior Planner, presented this item with the aid of a powerpoint, and stated the Planning Commission unanimously recommended approval during the October 17, 2021, meeting. The City Council reviewed the proposal during the August 2 and October 4, 2021, work sessions. The following are the proposed text amendments and changes:

TA21-009: Self-Storage: This change will:

- Reduce the number of Special Use Permit applications for this use.
- Decrease the amount of space taken up by self-storage facilities by accommodating development.
- Split Self-Storage facilities into two types-- "external/internal access" and "internal access only".

TA21-010: Open-Space Dedication: This change will:

- Update the tree-planting requirements to allow trees to be planted around the pond instead of in the shelf of the pond.

TA21-011: Accessory Uses on Large Residential Lots: This change will:

- Reduce the number of variance applications by allowing larger accessory structures to be built on residential lots ≥ 1 acre.
- Increase the allowable size for accessory structures from 1,200 square feet or 25 percent lot coverage to 2,000 square feet with additional 250 square feet allowed for each additional half acre in size.

TA21-012: Residential density in MR5 and CC Zoning: This change will:

- Resolve current inconsistencies by increasing the allowable residential density and height limits in higher-intensity zoning districts, which are currently more restrictive than in lesser-intensity zones.
- Resolve inconsistencies by increasing the density allowance in Mixed Residential-5 (MR-5) and Conditional Commercial (CC) zones to match Limited Commercial (LC) zones (24 units/acre); and increasing max height in MR-5 zones to match CC zones (6 stories or 75 feet).

TA21-013: Special Use Permits: This change will:

- Reduce the number of SUP requests by removing the Special Use Permit (SUP) requirement for certain uses/districts.

TA21-014: Nonconformities: Landscaping Requirements: This change will:

- Adjust and reduce landscaping requirements for renovations of nonconforming commercial properties.
- Update the standards for adding missing landscaping on nonconforming properties for (1) Interior and Exterior remodeling when a building permit is required; (2) Additions and Expansions; and (3) Changes in Use, on sites two acres or less.

The exterior compliance trigger for the three alternatives is the same which has 25 percent of the total value of the structure. The physically constrained lands for the three alternatives is also the same which is maximum extent practicable and the landscape island is also the same at 162 square feet. The main difference between the alternatives is the interior compliance trigger. Alternative 1 proposes a threshold of 25 percent of the same exterior. Alternative 2 exempts interior renovations completely, meaning interior renovations would not require any landscaping to bring the property to conformance. Alternative 3 is triggered for interior renovations is moved to 50 percent of the value of the tenant unit space or \$100,000.00, whichever is greater.

TA21-015: Regulation of Political Signs: This change will:

- End the suspension of local enforcement of certain sign regulations by adopting the standards in the North Carolina General Statutes.
- By using the NC general standard, political signs can be placed along the street with reasonable conditions. Signs that remain in the right-of-way 30 days after the election date can be removed and disposed of by anyone. Other categories of signs in the right-of-way will continue to be removed under the City's sign ordinance.

This is the advertised public hearing set for this date and time. There being no one present to speak, the public hearing was opened and closed.

Council Member Haire asked what if there is no landscaping at all and they are doing some kind of small repairs inside the interior structure, what about what it looks like in its original state in choosing Alternative 2. Dr. Gerald Newton, Development Services Director, replied if there is no landscaping and they are doing renovations in the interior, there will be no required landscaping.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SUBSECTIONS OF ARTICLE 30-2, ADMINISTRATION, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-032

MOTION: Council Member Haire moved to approve Alternative 2 for TA21-014.
SECOND: Council Member Wright
VOTE: UNANIMOUS (10-0)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-033

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-034

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-035

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 30-9, DEFINITIONS, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-036

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTIVLE 30-5, DEVELOPMENT STANDARDS, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-037

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-038

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SUBSECTIONS OF ARTIVLE 30-4, USE STANDARDS, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-039

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-040

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-041

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3, ZONING DISTRICTS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-042

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTIVLE 30-4, USE STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-043

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-4, USE STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-044

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, OF CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2021-045

MOTION: Council Member Davis moved to approve TA21-009, TA21-010, TA21-011, TA21-012, TA21-013 and TA21-015.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

9.0 OTHER ITEMS OF BUSINESS

9.01 Proposed Redistricting Plans

Mr. Blake Esselstyn, Redistricting Consultant, presented the following four updated options from the 5:00 p.m. redistricting special meeting.

1. Option A3 moves Hook Loop Apartments from District 5 to District 8.
2. Option A4 moves Glen Reilly from District 4 to District 9.
3. Option A5 moves Glen Reilly and Landfall Condos from District 4 to District 9.
4. Option A6 moves Landfall Condos from District 4 to District 9.

Discussion ensued.

Consensus of Council was to have Map Options A3 through A6 provided to the full Council for further review and have the redistricting added to the special meeting on November 1, 2021.

9.02 This item was pulled from the agenda.

9.03 This item was moved to Item 8.03

10.0 ADMINISTRATIVE REPORTS

10.01 Additional Paid Holiday for City Employees

This item was for informational purposes only.

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:01 P.m.